

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

AMERICAN HONDA MOTOR CO., INC.)	No. 03:11-cv-00344-HU
)	
Plaintiff,)	
)	
v.)	OPINION AND ORDER
)	ADOPTING FINDINGS AND
ST. PAUL FIRE & MARINE INSURANCE CO.,)	RECOMMENDATION
ZURICH AMERICAN INSURANCE CO.,)	
NATIONAL UNION FIRE INSURANCE CO. OF)	
PITTSBURGH, ARCH SPECIALTY INSURANCE)	
CO., and AMERICAN GUARANTEE AND)	
LIABILITY INSURANCE CO.,)	
)	
Defendants.)	
)	

SIMON, District Judge.

On June 20, 2012, Magistrate Judge Dennis James Hubel issued Findings and Recommendation (Dkt. 171) in the above-captioned case. Judge Hubel recommended that this court grant in part Plaintiff's Motion to Stay (Dkt. 147) and stay this case until October 31, 2012, with the exception that certain pending arbitration may proceed without abatement. Judge Hubel also recommended that this court reserve ruling on the Plaintiff's Motion for Substitution and

Realignment to Reflect the Real Parties in Interest (Dkt. 152) until the stay has been lifted. No party has filed objections to Judge Hubel's Findings and Recommendation.

Under the Federal Magistrates Act, the court may "accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." Federal Magistrates Act, 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate's findings and recommendations, "the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3). If, however, no objections are filed, the Magistrates Act does not prescribe any standard of review. In such cases, "[t]here is no indication that Congress, in enacting [the Magistrates Act], intended to require a district judge to review a magistrate's report[.]" *Thomas v. Arn*, 474 U.S. 140, 152 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.) (*en banc*), *cert. denied*, 540 U.S. 900 (2003) (the court must review *de novo* the magistrate's findings and recommendations if objection is made, "but not otherwise").

Although in the absence of objections no review is required, the Magistrates Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Federal Rule of Civil Procedure 72(b) recommend that "[w]hen no timely objection is filed," the court review the magistrate's findings and recommendations for "clear error on the face of the record."

No party having made objections, this court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Hubel's Findings and Recommendation for clear error on the face of the record. No such error is apparent. Therefore the court orders that Judge Hubel's Findings and Recommendation (Dkt. 171) is ADOPTED. Plaintiff's Motion for Stay

(Dkt. 147) is GRANTED IN PART, and the case is STAYED until October 31, 2012, with the exception noted in Judge Hubel's Findings and Recommendation pertaining to arbitration among American Honda Motor Co., Inc.; Stellar Structures, LLC; and Stellar's insurers. Plaintiff's Motion for Substitution and Realignment (Dkt. 152) is DEFERRED until the stay has been lifted.

Dated this 17th day of July, 2012.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge